

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Anthony Posey,

Petitioner

v.

Ronald Oliver, et al.,

Respondents

Case No. 2:24-cv-01123-CDS-BNW

**Order Granting Motion to Extend Time  
and Denying Motions for Summary  
Judgment and Relief from Judgment**

[ECF Nos. 22, 23, 24]

Respondents move for an order extending the time to file their response to the petitioner's amended petition for writ of habeas corpus. ECF No. 24. I find that respondents' motion is in good faith and not solely for the purpose of delay. Thus it will be granted.

Also pending before me are petitioner's motions for summary judgment and relief from judgment. ECF Nos. 22, 23. Both motions are premised on the erroneous claim that respondents' failure to respond to his petition or request an extension on or before January 5, 2025, entitles him to an order and judgment granting him habeas relief. Because January 5, 2025, fell on a Sunday, respondents' response was due on January 6, 2025. *See* Fed. R. Civ. P. 6(a)(1)(c). Thus their motion for extension of time was timely filed. Moreover, default judgments are disfavored in habeas corpus cases. *Bleitner v. Weiborn*, 15 F.3d 652, 653 (7th Cir. 1994); *Gordon v. Duran*, 895 F.2d 610, 612 (9th Cir. 1990) (stating "[t]he failure to respond to claims raised in a petition for habeas corpus does not entitle the petitioner to a default judgment").

IT IS HEREBY ORDERED that respondents' motion to extend time [ECF No. 24] is **GRANTED**. Their response to the amended petition (ECF No. 10) is due **March 7, 2025**. In all other respects, the schedule set forth in my order of November 4, 2024, (ECF No. 20) remains in effect.

IT IS FURTHER ORDERED that petitioner's motions for summary judgment and relief from judgment [ECF Nos. 22, 23] are **DENIED**.

Dated: January 13, 2025

  
Cristina D. Silva  
United States District Judge